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JUN 16, 2021	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS MONTES,

Defendant.

2:20-CR-168-RFB-DJA

Preliminary Order of Forfeiture

This Court finds Carlos Montes pled guilty to Count One of a One-Count Criminal Indictment charging him with felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Criminal Indictment, ECF No. 10; Memorandum in Support of Plea, ECF No. 43; Change of Plea, ECF No. 46.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal Indictment and the offense to which Carlos Montes pled guilty.

The following property is any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1) and is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c):

1. a Glock 27, .40 caliber semi-automatic pistol bearing serial number FAG943US; and
 2. any and all ammunition
- (all of which constitutes property).

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently

1 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
2 32.2(b)(2)(C).

3 This Court finds the United States of America is now entitled to, and should, reduce
4 the aforementioned property to the possession of the United States of America.

5 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
6 DECREED that the United States of America should seize the aforementioned property.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
8 rights, ownership rights, and all rights, titles, and interests of Carlos Montes in the
9 aforementioned property are forfeited and are vested in the United States of America and
10 shall be safely held by the United States of America until further order of the Court.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
12 of America shall publish for at least thirty (30) consecutive days on the official internet
13 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
14 describe the forfeited property, state the time under the applicable statute when a petition
15 contesting the forfeiture must be filed, and state the name and contact information for the
16 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
17 and 21 U.S.C. § 853(n)(2). In the alternative, if the value of the property is less than \$1,000,
18 the government may instead serve every person reasonably identified as a potential claimant
19 in lieu of publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp.
20 Rule G(4)(a)(i)(A).

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
22 or entity who claims an interest in the aforementioned property must file a petition for a
23 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
24 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
25 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
26 right, title, or interest in the forfeited property and any additional facts supporting the
27 petitioner's petition and the relief sought.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
2 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
3 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
4 not sent, no later than sixty (60) days after the first day of the publication on the official
5 internet government forfeiture site, www.forfeiture.gov.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
7 petition, if any, shall be served upon the Assistant United States Attorney at the following
8 address at the time of filing:

9 Attn: Asset Forfeiture
10 501 Las Vegas Boulevard South, Suite 1100
11 Las Vegas, Nevada 89101.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
13 described herein need not be published in the event a Declaration of Forfeiture is issued by
14 the appropriate agency following publication of notice of seizure and intent to
15 administratively forfeit the above-described property.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
17 copies of this Order to all counsel of record.

18 DATED June 16, 2021.

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22 RICHARD F. BOULWARE, II
23 UNITED STATES DISTRICT JUDGE
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